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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
Organizational session
New York, 19-23 April 1993

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE OPENING OF THE ORGANIZATIONAL SESSION, HELD ON 19 APRIL 1993

This is an important Conference. Its significance lies not only in the subject-matter that it is to consider, but also in the fact that this is the first conference that is convened by the international community in order to address problems that have arisen directly from the implementation of the 1982 United Nations Convention on the Law of the Sea.

The problems of high seas fishing which this Conference is asked to address are not new. They were known to the participants of the Third United Nations Conference on the Law of the Sea, but attempts to deal with them at that time were not very successful, largely because they were not then seen as urgent. Participants were content to leave such problems to be resolved through the goodwill of States and cooperation among those concerned with high seas fishing in the different regions of the world.

However, events in the last decade and more have clearly indicated that with the advent of the exclusive economic zone, the pressure on high seas fishing has grown rapidly, and the problems have become more urgent than they were at the time when the Convention was being negotiated. In a recent report prepared for its Committee on Fisheries (15-19 March 1993), the Food and Agriculture Organization of the United Nations (FAO) noted that:

> "In many high seas areas, inadequate management and over-fishing are recognized as major problems. The need to control and reduce fishing fleets operating on the high seas is now being internationally admitted because excessive fishing is endangering the very sustainability of high seas fishery resources."

It should be noted that there is a general concern over the sustainability of the world's fishery resources. The 1982 United Nations Convention on the Law of the Sea requires that all living marine resources, whether under coastal State jurisdiction or on the high seas, should be subject to sound management practice. Attention has focused on high seas fishing at several regional and global forums because of the absence of, or the difficulty in, establishing comprehensive, internationally agreed management regimes governing the use of high seas living resources.

There were a series of events before the United Nations Conference on Environment and Development (UNCED) concluded last June that indicated that an international conference should be convened to resolve the issues of concern in relation to high seas fishing. These issues have been the subject of discussion at regional levels, including in regional fisheries organizations. They have been the focus of discussion in the FAO's Committee on Fisheries. In 1991, the United Nations convened a meeting of a group of experts in order to prepare a study on the problems of the implementation of the high seas fisheries provisions in the Convention on the Law of the Sea. The issues were raised at successive meetings of the Preparatory Committee for UNCED. An important milestone in these series of events was the convening by the Government of Mexico, in collaboration with FAO, of an International Conference on Responsible Fishing. This Conference in May 1992 adopted the Declaration of Cancun which, inter alia, stated that:

> "States should cooperate on bilateral, regional and multilateral levels to establish, reinforce and implement effective means and mechanisms to ensure responsible fishing on the high seas, in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea." (A/CONF.151/15, annex, para. 11)

This Declaration has other provisions relevant to the management and utilization of high seas fisheries. In the broader context of fisheries, it also asked for the preparation by FAO of an international code of conduct for responsible fishing.

In deciding to convene this international Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the United Nations Conference on Environment and Development, in chapter 17.C of Agenda 21, which deals with the programme area on "sustainable use and conservation of marine living resources of the high seas", has also indicated its mandate. This mandate was endorsed by the General Assembly in its resolution 47/192 of 22 December 1992, in particular, in paragraphs 1, 2 and 3.

In summary, the mandate is for this Conference to be convened

> "with a view to promoting effective implementation of the provisions of the United Nations Convention on the Law of the Sea on straddling fish stocks and highly migratory fish stocks, and that it, drawing, inter alia, on scientific and technical studies by the Food and Agriculture Organization of the United Nations, should:
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> "(a) Identify and assess existing problems related to the conservation and management of such fish stocks;

"(b) Consider means of improving fisheries cooperation among States; and

"(c) Formulate appropriate recommendations." (Resolution 47/192, para. 2)

Further, the mandate states that the work and results of the Conference should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea.

The specific provisions on straddling fish stocks and highly migratory fish stocks are to be found in article 63, paragraph 2, and article 64, respectively, of the 1982 Convention. These articles, together with article 87 on freedom of the high seas, which is to be exercised under the conditions laid down in the Convention and other rules of international law, and with section 2 of part VII of the Convention, establish the relevant regime for high seas fishing. (Section 2 of part VII deals with the conservation and management of the living resources of the high seas.)

The problems of straddling fish stocks and of highly migratory fish stocks concern the interests of coastal States, as well as that of high seas fishing States. The coastal States have the responsibility for the conservation and management of resources within their exclusive economic zones. The high seas fishing States, together with coastal States concerned, have the duty to conserve and manage the living resources of the high seas. Given the nature of these fish stocks, the problems of high seas fishing can only be resolved through cooperation and collaboration, as is envisaged in the Convention.

It is clear from the mandate that this Conference is not about the extension of national jurisdiction or the abridgement of the right of States to fish in the high seas in accordance with the Convention. Nor is it a Conference for intrusion on, or the derogation of, the sovereign rights of coastal States in their exclusive economic zones. It is a Conference, however, to resolve the festering problems of high seas fishing in order to give full and faithful effect to the very delicately balanced provisions of the Convention, so that high seas fishery can continue to produce maximum sustainable yield, having regard to the environmental, economic and other factors as provided for in the Convention, and without the kind of conflicts that have resulted in the convening of this Conference.

As we proceed to consider the issues in the mandate of the Conference, I am certain that we will benefit considerably from the experience of regional fisheries bodies represented here. The Food and Agriculture Organization of the United Nations has already done considerable work on issues relevant to the mandate of this Conference. It is especially requested to make contributions to our work on technical issues. We will, of course, welcome such contributions, and on your behalf, I would like to thank FAO in advance for them. Finally, represented at this Conference as observers are a number of non-governmental organizations. We will also have the benefit of their perspective.

Work programme

I should like to make a few remarks about the future work of this session.

We have only one week to complete the organization of this Conference. I wanted to indicate to you, subject to your guidance, how I propose the Conference should proceed in the next five days on the basis of the provisional agenda before us.

1. I propose that we begin to consider the rules of procedure today. However, since we have only just received the draft rules this morning, and, like you, I would like some time to study them, we will therefore begin an examination of the rules at 3 this afternoon.

2. Following the adoption of the rules of procedure, we shall proceed to adopt the agenda for the Conference.

3. After that, we shall proceed to elect the remaining officers of the Bureau. In this respect, I would urge the Chairmen of the regional groups concerned to let me know as soon as possible the names of the candidates being nominated and the post for which they are being nominated by their respective groups. In this regard, should any group wish to meet for consultations this morning they could meet in this room immediately following the adjournment of this meeting.

4. Item 6 on the provisional agenda is "Organization of work".

I hope you will give some thought to this matter in anticipation of our discussion. To assist you in your preparation for this item, I would like to share with you the result of preliminary discussions I have had with some interested delegations. The view so far is that all substantive issues should remain under the responsibility of the plenary.

However, for the sake of efficiency, there will be a need to assign specific issues to ad hoc working groups at an appropriate time. For this purpose, the plenary may itself constitute a Working Group of the Whole. In this regard, a broad division could be made between policy-oriented issues and issues which though substantive have technical content. I am not inviting a discussion of this matter at this time. I expect that we shall take this up after the rules of procedure have been adopted.

I also take note of the wish of a number of delegations that there should be no more than two simultaneous meetings. We shall keep this in mind when scheduling meetings.

Looking down the road at the substantive session in July, I am informed that a number of Ministers and other high officials are likely to attend on that occasion.

I believe that at least the first three days of the substantive session will be devoted to a general debate.

I hope you will also give some thought to any background documentation that will be required for the substantive session so that we can inform the Secretariat from now on of our requirements.

5. As regards the appointment of the members of the Credentials Committee, I would urge regional groups to let me know of their nominations as soon as possible. The apportionment of seats is going to be the same as in the case of the General Assembly.

6. The final item on the provisional agenda is the consideration of the substantive issues before the Conference. This of course is for the substantive session in July.